

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1137 be amended to read as follows:

- 1 Page 19, between lines 38 and 39, begin a new paragraph and insert:
- 2 "SECTION 25. IC 5-29 IS ADDED TO THE INDIANA CODE AS
- 3 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 4 2005]:
- 5 **ARTICLE 29. INDIANA TELECOMMUNICATIONS**
- 6 **NETWORK**
- 7 **Chapter 1. Definitions**
- 8 **Sec. 1. The definitions in this chapter apply throughout this**
- 9 **article.**
- 10 **Sec. 2. "Authorized user" means:**
- 11 **(1) any board, commission, department, agency, or authority,**
- 12 **by whatever name designated, exercising a part of the**
- 13 **executive, administrative, legislative, or judicial power of the**
- 14 **state;**
- 15 **(2) any county, city, town, township, school corporation,**
- 16 **political subdivision, or other entity, by whatever name**
- 17 **designated, exercising in a limited geographical area the**
- 18 **executive, administrative, legislative, or judicial power of the**
- 19 **state or a local governmental power;**
- 20 **(3) any entity that is subject to:**
- 21 **(A) budget review by the department of local government**
- 22 **finance or the governing body of a county, city, town,**
- 23 **township, or school corporation; or**
- 24 **(B) audit by the state board of accounts;**
- 25 **(4) any building corporation of a political subdivision of the**

1 state that issues bonds for the purpose of constructing public
2 facilities;

3 (5) any advisory commission, committee, or body created by
4 statute, ordinance, or executive order and requiring the use of
5 the Indiana telecommunications network;

6 (6) the Indiana higher education telecommunications system
7 (IC 20-12-12) and all the colleges and universities included in
8 that system;

9 (7) any Indiana broadcasting station licensed by the Federal
10 Communications Commission as a noncommercial radio or
11 television station for the purposes of educational
12 programming;

13 (8) any community network; or

14 (9) any nonpublic school (as defined in IC 20-10.1-1-3).

15 Sec. 3. "Board" means the Indiana telecommunications network
16 board established by IC 5-29-2-1.

17 Sec. 4. "Community network" means a nonprofit entity:

18 (1) associated with a local community; and

19 (2) formed for the express purpose of coordinating the
20 delivery of government data and other civic related or
21 commercial information through electronic means to the local
22 community.

23 Sec. 5. "Executive director" refers to the executive director of
24 the board appointed under IC 5-29-2.

25 Sec. 6. "Indiana telecommunications network" means the
26 integrated telecommunication network designed, developed, and
27 managed under this article.

28 Sec. 7. "Telecommunication" means the transmission of any
29 datum, including documents, pictures, sounds, or other symbols by
30 television, radio, microwave, optical, or other electromagnetic
31 signal.

32 Chapter 2. Indiana Telecommunications Network Board

33 Sec. 1. The Indiana telecommunications network board is
34 established.

35 Sec. 2. The board consists of five (5) members as follows:

36 (1) A local government official appointed by the governor.

37 (2) The chief information officer of the office of technology
38 established by IC 4-13.1-2-1 or the officer's designee.

39 (3) The state superintendent of public instruction or the
40 superintendent's designee.

41 (4) The director of the Indiana state library or the director's
42 designee.

43 (5) A representative of the coordinating unit established under
44 IC 20-12-12-3 appointed by the coordinating unit.

45 Sec. 3. (a) The board may:

46 (1) employ qualified staff;

- (2) engage in ongoing planning and development activities;
- (3) enter into and administer contracts, leases, and other agreements;
- (4) adopt bylaws and otherwise manage its internal affairs;
- (5) sue and be sued;
- (6) receive, hold, use, and dispose of property, other than real property and other than the Indiana telecommunications network, in the name of the board; and
- (7) exercise any other power necessary or incident to carrying out this article.

(b) The board shall maintain a comprehensive statewide digital telecommunication system known as the Indiana telecommunications network coordinated through the board by working with authorized users and private sector organizations to provide network service.

Sec. 4. The board shall be under the jurisdiction and rules adopted by the state ethics commission.

Sec. 5. (a) The board shall elect one (1) member of the board to serve as its chairperson and another member of the board to serve as its vice chairperson. These officers shall serve the term and perform the duties specified in the commission's bylaws.

(b) An officer elected under this section may not concurrently serve as executive director.

Sec. 6. Meetings of the board shall be called and conducted in conformity with the bylaws of the commission.

Sec. 7. A quorum of the board consists of three (3) members. If at least a quorum of its members is present at a public meeting, the board may take a final action upon the approval of three (3) of the members of the board.

Sec. 8. (a) The board shall appoint an executive director of the board to serve at the pleasure of the board.

(b) The board shall set the executive director's compensation with the approval of the budget agency.

Sec. 9. The executive director and the board's other staff shall carry out this article in conformity with the policies and directives of the board.

Sec. 10. The board is subject to the jurisdiction of the budget agency under IC 4-13-2 and the state board of accounts under IC 5-11-1.

Sec. 11. The board is subject to the jurisdiction of the Indiana department of administration and the procurement procedures under IC 4-13-1, IC 4-13.6, and IC 5-22.

Sec. 12. All property of the board is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or a political subdivision of the state.

Chapter 3. Indiana Telecommunications Network

Sec. 1. (a) The board shall design, develop, contract for, and manage a statewide, integrated telecommunication network known as the Indiana telecommunications network. The Indiana telecommunications network must economically, efficiently, and effectively meet the needs of authorized users.

(b) The board shall provide the Indiana telecommunications network solely to carry out or to facilitate the carrying out of the essential public, educational, and governmental functions of authorized users.

Sec. 2. The board may provide authorized users with any administrative support services, technical assistance, materials, or supplies that are necessary or incident to determining whether to become a user of the Indiana telecommunications network.

Sec. 3. The board may provide technical information and assistance for the coordination, planning, allocation, procurement, or management of Indiana telecommunications network services to an authorized user when requested by the user.

Sec. 4. The board shall set policies, standards, procedures, and other requirements for:

- (1) the operation of the Indiana telecommunications network;**
- (2) the board's relationship with suppliers for the Indiana telecommunications network; and**
- (3) the provision of Indiana telecommunications network services to authorized users.**

Chapter 4. Sources of Funds

Sec. 1. The board may carry out its responsibilities with:

- (1) funds appropriated by the general assembly;**
- (2) funds derived from the board's revenues;**
- (3) federal funds granted to the board; and**
- (4) funds available from gifts or bequests."**

Page 32, line 35, delete "After June 30," and insert "This SECTION does not apply to the statewide, integrated telecommunication network that:

- (1) was developed by the intelenet commission and managed in partnership with the Indiana higher education telecommunications system (IC 20-12-12) before July 1, 2005; and**
- (2) is known as the Indiana telecommunications network under IC 5-29, as added by this act."**

Page 32, delete line 36, begin a new paragraph and insert:

"(b) After June 30, 2005, a reference in any law, rule, contract, or other document or".

Page 33, line 3, delete "(b)" and insert "(c)".

Page 33, line 11, delete "(c)" and insert "(d)".

Page 33, line 20, delete "(d)" and insert "(e)".

- 1 Page 33, line 29, delete "(e)" and insert "(f)".
2 Page 33, line 37, delete "(f)" and insert "(g)".
3 Page 33, after line 37, begin a new paragraph and insert:
4 "SECTION 41. [EFFECTIVE JULY 1, 2005] (a) **This SECTION**
5 **applies to the statewide, integrated telecommunication network**
6 **that was developed by the intelenet commission and managed in**
7 **partnership with the Indiana higher education telecommunications**
8 **system (IC 20-12-12) before July 1, 2005.**
9 (b) **On July 1, 2005, the assets, property, and obligations of the**
10 **intelenet commission associated with the telecommunication**
11 **network described in subsection (a) are transferred to the Indiana**
12 **telecommunications network board established by IC 5-29-2-1, as**
13 **added by this act.**
14 (c) **This SECTION expires July 1, 2006.**
15 Renumber all SECTIONS consecutively.
(Reference is to HB 1137 as printed February 1, 2005.)

Representative Pierce